

THE DAILY PRESS is the only newspaper published in Newport News that receives the full news service of the Associated Press.

Daily Press

THE WEATHER.
Fair and colder Thursday; Friday fair; diminishing west winds.

VOL. XIV. NO. 56.

NEWPORT NEWS, VA., THURSDAY, MARCH 11, 1909.

PRICE TWO CENTS

JUDGE ORDERS JURY TO ACQUIT OIL TRUST

Case Was Retrial of Famous Twenty Nine Million Dollar Fine by Landis.

DECISION WAS NOT UNEXPECTED

Verdict of "Innocence" Returned—Court Required Certain Character of Evidence Which Prosecution Was Unable to Procure—Acceptance of Rebates by Standard Basis.

(By Associated Press.)
CHICAGO, Ill., March 10.—The Standard Oil Company, of Indiana, today was found not guilty of accepting rebates from the Chicago & Alton Railroad on shipments of oil from Whiting, Ind., to East St. Louis, Ill.

The verdict was returned by a jury in the Federal court on instructions of Judge A. G. Anderson, who, after having followed the Circuit Court of Appeals' decision as to the verdict returned at the former trial and on which verdict Judge Kenesaw Mountain Landis fined the company \$29,000,000.

Judge Anderson's decision was not unexpected as he had yesterday told the government prosecutors that the proof relied on in the first trial was incompetent and that it must be complemented or fail.

District Attorney Hopeless.
It was with something of an air of hopelessness that District Attorney Edwin W. Sims and his assistants attempted to show the admissibility of the Illinois classification to prove the existence of a legal rate of 18 cents, which was a vital point in the government's contention.

It was after Assistant District Attorney Wilkerson had argued for two hours and in the end admitted that the prosecution could not furnish the further proof deemed necessary by the court for a continuation of the case, that Judge Anderson announced his decision.

Mr. Wilkerson said that the government could proceed no further, and suggested dismissal of the case.

Attorney John S. Miller, chief counsel in the case for the oil company, immediately moved that there be an instructed verdict of not guilty.

The court so ordered and the jury, which had been excluded during the arguments by the attorneys, was called in and charged.

Judge Cites Authorities.
The decision of Judges Grosscup, Baker and Seaman, of the United States Circuit Court of Appeals, reversing Judge Landis' together with the action of the United States Supreme Court in refusing to review the decision of the Court of Appeals, was assigned as authority for today's decision.

Judge Anderson quoted from the opinion of the Appellate Court judges. The strongest expression in favor of his view, he said, was the statement in that decision that "the most we can say is that the question is one upon which judges, after full discussion might very reasonably disagree."

A Criminal Offense.
The defendant is charged here by indictment that is a criminal offense. The defendant is presumed to be innocent until proved to be guilty beyond all reasonable doubt, and before this jury would be justified in returning a verdict upon a single one of these counts, it would have to be satisfied beyond all reasonable doubt to such a degree of certainty as to overcome this presumption of innocence which surrounds this defendant. It would have to be satisfied beyond all reasonable doubt that there was a definite fixed 18 cent rate.

The Court of Appeals has said upon this same evidence after having considered it in all its relations, after the evidence which was given, that they cannot say that these two papers (the railroad tariff sheet Number 21 and the Illinois classification) really fix any 18 cent rate.

Acquittal Verdict Ordered.
Judge Anderson then ordered the jury under authority of the decision of the higher court, to which he said he also was obedient, to return a verdict of acquittal.

The verdict of acquittal was formally signed by the foreman of the jury, entered in the court records, and the former case was finally ended.

Whether prosecution on seven other

Indictments still pending against the oil company will be instituted. District Attorney Sims would not express an opinion.

He said the question rested entirely with the United States attorney general.

GIRLS IN PANIC.

Rescued by Fireman With Ladders and Fire Nets.

(By Associated Press.)
NEW YORK, March 10.—Fire which broke out late this afternoon on the fourth floor of a manufacturing building at Broadway and Broom street caused a panic among a hundred or more girls employed there.

Smoke filled the halls and cut off the escape of several who climbed out on the narrow window ledges overlooking Broadway.

Most of these were rescued by the firemen, who ran up scaling ladders as soon as they arrived and also spread the fire nets.

Two young women, terror-stricken, jumped before the firemen could reach them.

One of these was caught in a fire net and escaped with a fractured leg. The other fell into an awning which held for a moment and then gave way, dropping her into the arms of a policeman, who was standing on the sidewalk. She suffered severe internal injuries.

The only others hurt were two young women who were burned about the head and shoulders.

The fire was confined to the fourth floor of the building with a loss not exceeding \$7,000.

THAT AWFUL FORECAST.

Weather Bureau Chief Wroth at the Newspapers for Chaffing Him.

(By Associated Press.)

WASHINGTON, D. C., March 10.—"Hysterical abuse" is the stormy English which Willis L. Moore, chief of the United States weather bureau, hurled at the newspaper critics, who have found fault with the weather bureau for predicting "fair weather for inauguration day," when the day turned out to be one of the worst in the history of the weather bureau.

Mr. Moore declared that "the same forecast would be made today if similar conditions existed."

"Kentucky Joe" Resentenced.

(By Associated Press.)

LYNCHBURG, VA., March 10.—J. C. MILLER, known as "Kentucky Joe," who escaped from the Federal prison at Raleigh, N. C., ten years ago and was recaptured at Bluefield, W. Va., last December, was resentenced to the Federal prison at Atlanta, Ga., today for four years.

This is the remainder of his sentence for robbing a Virginia postoffice in 1896.

New Steamship Line Projected.

(By Associated Press.)

PHILADELPHIA, Pa., May 10.—Mayor Berman of New Orleans and a party of business men from the South arrived here today to further arrangements for the establishment of a new steamship line between New Orleans and Philadelphia.

He advocated the establishment of the line by the two municipalities in case private concerns should decline to make the venture.

OHIO JUDGE IS INDICTED

Charged With Perjury and Embezzlement as Insurance President.

ALSO FALSIFIED HIS REPORTS

Indictments Also Allege That Judge Donnelly, As President of the German Insurance Company, Applied Concerns to Paying Personal

(By Associated Press.)

TOLEDO, Ohio, March 10.—As a result of the probing into the affairs of the defunct Ohio German Insurance Company, the Lucas county grand jury this afternoon returned five indictments against Judge Michael Donnelly, president of the company.

Two indictments charge perjury, two embezzlement and one embezzlement and obtaining money by false pretenses.

Donnelly is judge of the Circuit Court in the Third judicial district of Ohio.

The company was barred from doing business in Ohio last December.

Judge Donnelly is charged with falsifying the reports of the company to the State Insurance department.

The embezzlement indictments specify that Donnelly applied funds of the company to paying interest on personal debts. The amount involved is large. It is charged that the reports submitted to the State covered up \$300,000 in unpaid losses.

OPPONENTS OF HOUSE RULES ARE DIVIDED

Democrats Not in Full Accord With "Insurgent" Members on Republican Side.

MINORITY DESIRES TO LEAD FIGHT

It is Also Said That Democrats Favor Leaving With Speaker Power to Appoint Committees—"Insurgents" Indicate That They Will Not Obstruct Coming Tariff Legislation.

(By Associated Press.)

WASHINGTON, D. C., March 10.—According to present plans, the Democratic caucus, to be held next Monday before the House convenes, will adopt a resolution in favor of carrying out the pledge of the Denver platform, to reduce the power of the speaker.

It is understood that the members will not be pledged to any specific amendment, however.

On the floor of the House the Democrats will attempt to take the lead in the opposition to the adoption of the rules.

They will not allow that honor to go to the insurgents.

The opposition of a large number of Democrats to the election of a committee to select the House committees will probably defeat that plan of the insurgents, if no opportunity arises to consider that amendment on the floor.

The proposition to have the committee on rules elected by the House and barring the speaker from that committee will have more support from the Democratic side.

As an evidence of their desire not to interfere with the tariff, the insurgent leaders today announced that they were willing for the speaker to appoint the committee on ways and means, the other committees to be selected by a committee on rules and committees.

Looking for Berths.

Insurgents and Democrats were indulging in much speculation at the capitol today as to what would be the policy of Speaker Cannon in selecting the committees of the next House, in the event he is successful in the present fight over the organization of the House in the Sixty-first Congress.

The Democrats are apprehensive that the speaker will assume the right to fill the minority as well as majority places on the committees.

Several Democrats have appealed to the speaker directly for appointment on certain committees.

When John Sharp Williams was minority leader, Speaker Cannon referred all such applications to the minority leader. He has taken no such action this time.

Minority Leader Clark's friends say he can interpret this course in but one way.

There has been no conference between the minority leader and the speaker, and it is understood none is scheduled.

STATE LABOR COLONIES.

Proposed Institution for Reformation of Vagrants and Drunkards.

(By Associated Press.)

ALBANY, N. Y., March 10.—The establishment of State labor colonies for the custody and reformation of vagrants, habitual drunkards and tramps, proposed in a bill of Senator Grattan, was advocated at a hearing today before the Senate finance committee by a large delegation representing leading charitable societies and interests in New York city.

Those who appeared in favor of the bill included Leonard E. E. Opdike, chairman pro tem of the executive committee of the national committee on vagrancy; Robert W. Hebburn, commissioner of charities of New York city.

Hardwood Exporters Meet.

(By Associated Press.)

NORFOLK, VA., March 10.—The National Hardwood Exporters' Association met here today to discuss ways and means of suppressing evils in the hardwood export trade with special reference to the export of oak.

The question of forming a branch organization to cope with the situation was disposed of for the present by the adoption of strong resolutions.

Prominent Churchmen Accused.

(By Associated Press.)

ST. LOUIS, Mo., March 10.—Joseph A. Parker, head of a reality concern and prominent in church work, was arrested late today following a grand jury investigation.

The charges against him are filed by L. H. Remsburg, of St. Louis, who asserts that Parker obtained from him \$2,000 for stock in a mortgage company which was never organized.

NORTH CAROLINIANS AID IN LUMSDEN'S DEFENSE

Array of Eminent Character Witnesses Go to New York to Testify For Defense.

(By Associated Press.)

NEW YORK, March 10.—Several well known North Carolinians, among them Mayor James F. Johnson, of Raleigh, testified in the Supreme Court here today in behalf of John C. Lumsden, the young North Carolina inventor on trial for the killing of Harry Snydman, a club broker, in the latter's broad street office last December.

After all these witnesses had testified to Lumsden's good character, the defense rested its case.

William Henry Bagley, a brother of Eustis Worth Bagley, a member of the staff of the Governor of North Carolina testified to the defendant's excellent reputation, as did Edward G. Powell, a musician of this city, who had known Lumsden seven years ago in Birmingham, Ala.

Brigadier General Joseph E. Allen, who commanded the First North Carolina Mounted Infantry in which Lumsden served in the Spanish-American war, and Colonel Z. P. Smith, of Raleigh, who was first lieutenant of Lumsden's company, were other character witnesses for the defendant.

On cross examination both stated that they had never heard of Lumsden being court-martialed during the war.

Mayor Johnson, of Raleigh, told the prosecutor he believed a man could carry a revolver and still keep a reputation for peace and quiet.

Witnesses in rebuttal were called by the prosecution after the defense had closed its case.

The rebuttal testimony was brief. Former Governor George B. Aycock, of North Carolina, summed up for the defense, and declared that the evidence showed the killing of Snydman was accidental, occurring in the struggle for Lumsden's revolver before the latter had taken it from his pocket.

JOHNSON WRITES JEFFRIES.

Negro Pugilist Invites Former Champion to Meet Him.

(By Associated Press.)

NEW YORK, March 10.—James J. Jeffries received an invitation from Jack Johnson to meet him in the office of Johnson's attorney in this city to arrange a fight.

The invitation was handed to Jeffries by an attorney for Johnson as Jeffries appeared in a magistrate's court to answer to a charge of violating the penal code by sparring three exhibition rounds with his partner in a theatrical performance last night.

The note read:

"My client, John Johnson, the world's heavyweight champion, desires me to inform you that he will be glad to inform you at my office to complete arrangements for a contest between the champion and yourself."

Jeffries would not comment upon the note.

The charge of violating the penal code, which was made by the police, was dismissed. Jeffries' attorney contending that the sparring was a part of the theatrical sketch.

AGAINST HUNDLEY.

Alabama Bar Asks Taft to Withhold Judgeship Appointment.

WASHINGTON, D. C., March 10.—Representative Underwood of Alabama today arranged for a call on President Taft tomorrow for Walker Pierce, Frank White and S. J. Bowie, all of Birmingham, and members of the Alabama Bar Association, whose mission here is to request President Taft to refrain from reappointing Judge Hundley of the Northern Alabama district, until the Alabama Bar Association has had an opportunity to meet and take action in the matter of a recommendation for this judgeship.

STATION ABANDONED.

Wireless Apparatus to be Removed From Cape Henry.

(By Associated Press.)

NORFOLK, VA., March 10.—The government wireless telegraph station at Cape Henry is to be abandoned and the wireless telegraph apparatus at the cape is to be moved to Beaufort, N. C., for the establishment of a modern two-pole station, such as has been recently established at the Norfolk navy yard.

The Norfolk station, twenty miles from the seacoast, has been found to operate more successfully than the single pole station at Cape Henry.

Catholic Priest Killed.

NEWARK, N. J., March 10.—Rev. Father Erasmus of St. Stanislaus church was killed and a domestic was shot and wounded today by three men as the result of a dispute over church matters.

Mother and Children Burned.

ALBANY, N. Y., March 10.—Mrs. Mildred Pittman and her two children burned to death today in a fire which destroyed their home near Huntersville.

DEVASTATED TOWN

APPEALS FOR HELP

Mayor of Brinkley, Ark., Reports Casualties and Recites People's Urgent Necessities.

NO BUILDING IN CITY LEFT WHOLE

Thirty-Five Persons Are Dead and Two Hundred Injured—Entire Business Section Lost—Bedding and Roofing Material Needed to Ward Off Actual Physical Suffering.

(By Associated Press.)

BRINKLEY, ARK., March 10.—Mayor T. H. Jackson has issued an appeal for aid. In an official statement he recites the destruction wrought by the tornado Monday night, stating the number of dead at 35, and says over 200 persons were injured.

The appeal follows:

"The people of Brinkley are suffering from the terrible calamity which has befallen our city. I would like to say that the list of dead so far recovered from the wreckage number 35, and the wounded number over 200. There is not a house in the city either business or residence, that has not been damaged by the cyclone. The entire business portion is lost, and only three buildings are left standing.

Supplies Urgently Needed.

"In response to many offers of assistance I would suggest, for immediate relief, food, clothing, blankets, tarpaulins, shingles and other building material, be sent to Brinkley. The water is in urgent demand, because there is not a drop of water in the city to protect the wounded and homeless. In the way of permanent relief, I would say that the greatest benefit could be done our unfortunate people by shipments of building materials, such as lumber, shingles, roofing, bricks, sand, etc.

"Many of our people will be able in this way to assist themselves, and start living with a prospect of regaining their lost fortunes, or at least preparing a place to shelter themselves. Both the Rock Island and Cotton Belt railroads have agreed to bring to our relief all consignments of this or any other nature free of charge. We will possibly require several hundred carloads of building material to repair our city, as there is not a mill or factory which was not completely destroyed. An executive committee is in charge of affairs to supervise the distribution of donations.

(Signed)
T. H. JACKSON Mayor."

CADDY TO COLLEGE.

President Will Pay Loring's Way Through University of Virginia.

(By Associated Press.)

WASHINGTON, D. C., March 10.—President Taft has sent his caddy to college.

Elmer W. Loring, who carried the distinguished governor's sticks around the links at Hot Springs, Va., last summer, and exercised such wide discretion that the President brought him to Washington as his special messenger, left today for Charlottesville to matriculate in the University of Virginia.

He will take a course calculated to fit him for some work. Mr. Taft is in view for him, and the President will defray all his expenses, allowing him \$2 a day.

Directory is Increased.

(By Associated Press.)

NEW YORK, March 10.—W. R. Irby, of New Orleans, was elected a director of the American Tobacco Company at the annual meeting of the stockholders of the company held in Jersey City today. The election of Mr. Irby increased the membership of the board from 27 to 28, present directors being re-elected.

The annual statement of the treasurer was submitted to the stockholders.

Fire in Texas Town.

(By Associated Press.)

EL PASO, TEXAS, March 10.—Fire at Big Springs, Texas, today destroyed a number of business blocks, and did damage amounting to about \$100,000.

Among the stores destroyed were the Buser block and H. H. Brothers' general store.

TORNADO CAUSED TEN DEATHS IN TWO STATES

Tail End of Arkansas Disturbance Paid Destructive Visit to Georgia and Florida.

ATLANTA, GA., March 10.—With the completed death roll of Sunday night's Arkansas tornado just coming in, the tail end of the Arkansas storm which last night swept across Alabama and South Georgia, today set in motion a new death count for the latter two States. This count was on tonight, five negroes killed in Cuthbert, Ga., and three whites and two negroes drowned at Montgomery, Ala., the latter deaths a result of high water following a record rainfall for the past twenty years.

Cumming, Ga., today got into telegraphic communication with the outside world, and sent word that a tornado ploughed through miles of timber, farm yards and valuable property in that vicinity, besides destroying half a dozen farmers' homes and seriously injuring a young man and a young woman.

Half a Million Damage.

Cuthbert, Ga., reported the damage today at half a million dollars, and Mayor P. A. McPherson issued an appeal for aid.

Nearly half of the main business block of Cuthbert was demolished. Every store on Depot street was blown down, filling the streets with piles of brick and timbers.

Homeless persons wandered through the town searching for household possessions which the wind had scattered for blocks in all directions.

The whites dead at Montgomery are William Dillard, 29 years old; Thomas Harper, of Atlanta, 23 years old; unidentified white man.

INVITATIONS ISSUED.

Statesmen and Others to Confer Upon Southern Commerce.

(By Associated Press.)

WASHINGTON, D. C., March 10.—Invitations today were issued by the Washington committee to all Southern congressmen and senators and to about one hundred prominent business men of Washington and neighboring cities, to meet John M. Parker, president of the Southern Commercial Congress at a dinner in Washington Monday next.

Among the speakers will be W. W. Finley, president of the Southern Railroad and Senator Joseph P. Johnston, of Alabama.

Mr. Parker will come from New Orleans to participate in the event.

Groceryman Kills Burglar.

(By Associated Press.)

NORFOLK, VA., March 10.—W. P. Etheridge, a Norfolk county groceryman, today shot and killed Harvey Williams, a negro, who had burglarized his store on the Portsmouth side of the river.

A coroner's jury exonerated Etheridge.

STATUS OF THE MARINES

May Not be Reassigned to Duty Aboard Big Warships.

ATTORNEY GENERAL WILL DECIDE

Question Has Arisen As to Constitutionality of Recent Act of Congress.

Infringed Authority of Commander-in-Chief.

(By Associated Press.)

WASHINGTON, D. C., March 10.—Marines may not be reassigned to duty to battleships and armored cruisers, despite the recent provisions of Congress that money appropriated for the maintenance of the marine corps must not be used unless the marines are aboard the warships. Secretary of the Navy Meyer has asked the opinion of the attorney general regarding the constitutional question of the reassignment of the provision.

This provision was questioned at the time of its enactment, as possibly infringing the rights of the President, as commander-in-chief of the army and navy. It was argued that as commander-in-chief, he would need to be empowered with authority to determine what disposition should be made of the marine corps.

Those who supported the amendment which was reported from the naval committee of the Senate, maintained that similar provisions had previously been enacted and complied with and that Congress had the right to control in matters of that kind.

BULLET FIRED BY ELDER COOPER STRUCK HIS SON

This is Point Sought to be Established by State in Carmack Murder Case.

BOTH SIDES PRESENTED YESTERDAY

Defense Pleads Justification and Denounces Carmack's Personality—"Rattlesnake Under His Tongue," Says Washington—Attorney General Makes Brilliant Argument.

(By Associated Press.)

NASHVILLE, TENN., March 10.—Two things stand out in today's developments in the Cooper-Sharp trial for the murder of former United States Senator Carmack.

One is the theory of the State as to the wounding of Robin Cooper.

The other is the defense's defense.

The State announced through Attorney General Garner that it would contend that Colonel D. B. Cooper fired the shot which wounded his son and that Senator Carmack, if he fired at all, fired wildly.

General Garner first declared that it would be a physical impossibility for Carmack to have shot Robin as the Coopers swear he did.

Father's Bullet Struck Son.

Next he declared that the reasonable solution of the problem was that Colonel Cooper opened fire on Carmack as Mrs. Eastman believes he did, and that a bullet from his pistol struck the telephone post, was deflected and entered Robin's shoulder.

He contended that this theory is corroborated by the course of the bullet which penetrated the flesh only an inch and a half and failed to strike a bone.

A 38-calibre bullet fired point blank at a range of three or four feet, Garner said, would have gone deeper in the flesh than than an inch and a half.

Demonstration Stifled by Court.

General Garner made a brilliant and logical argument and it was with difficulty that a demonstration was prevented.

The court officers, however, were aided in this by the sudden fainting of Mrs. Carmack. The audience's attention was instantly diverted to the widow and quiet was maintained.

It became evident from the argument of General Washington, of the defense, who followed General Garner, before the jury that the defense purposes to rely very strongly upon a plea of justification, as well as upon the plea of self defense.

General Meeks paved the way for it in his argument yesterday when he came out boldly in favor of the application of the unwritten law to editors, and declared that the murder of Carmack by the Coopers was not the first time that a Nashville editor had been slain for criticizing some one.

Washington Denounces Carmack.

General Washington did not take such a decided stand, but he devoted the entire two hours of his argument this afternoon to a denunciation of Carmack, "the man with the poison of a scorpion in his pen, the sting of a wasp in his words and the venom of the rattlesnake under his tongue."

He interpreted Carmack's words and editorials as he said they were meant, and as Colonel Cooper interpreted them, and declared that the colonel had no recourse in the world.

He had not finished his argument when court adjourned, and he will conclude it tomorrow.

Judge Anderson, also, of the defense will follow him and then Attorney General McCann will close the case for the State.

Attorney General Garner declared that the defense had heaped shadows upon Carmack during this trial.

Meeks Falsified Records.

"And I appeal to you," he said, "to believe me out when I say that M. H. Meeks falsified the record when he told you that Senator Carmack called Cooper a dive keeper."

Referring to what he said was the